

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT (REVISED)

P.A.S.: Change of Zone #3358

DATE: March 7, 2002

PROPOSAL: To change the zoning from H-4 General Commercial to R-2 and I-1 Industrial on property north and east of the intersection of Southwest 6th and West A Streets.

LAND AREA: Approximately 4.4 Acres

CONCLUSION: This request is consistent with the existing zoning and development patterns in the area, will allow the site to develop in a compatible manner while providing a buffer for the neighborhood to the west.
When combined with CZ#3351, this modified request complies with the Zoning Ordinance and Comprehensive Plan.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A change of zone from H-4 to R-2 for Lot 7, Block 5, Elmwood Addition and for Lot 13, Block 6, Elmwood Addition, and from H-4 to I-1 for Lots 1-12 and 14-26 and vacated alley, Block 6, Elmwood Addition, and Lots 8-13, Block 5, Elmwood Addition, and those portions of Lot 1, IMS 1st Addition and the remaining portion of Lot A, Elmwood Addition south of the centerline of the alley north of Lots 7-12, Block 5, Elmwood Addition extended east to the east line of remaining portion Lot A, Elmwood Addition.

LOCATION: North and east of the intersection of Southwest 6th and West "A" Streets.

APPLICANT/CONTACT Robert Stephens
1542 South 1st Street
Lincoln, NE 68502
(402)525-8788

OWNER: Robert Stephens and others

EXISTING ZONING: H-4 General Commercial

EXISTING LAND USE: Vacant

SURROUNDING LAND USE AND ZONING:

North:	Industrial	I-1
South:	Commercial	I-1

East:	Salt Creek	I-1
West:	Commercial, Single-family Residential	B-1, R-2

ASSOCIATED APPLICATIONS: CZ#3351 - A request for a change of zone from H-4 to I-1 for the remaining H-4 adjacent to the east, submitted by Jake Von Busch.

HISTORY: CZ#3351 - This request for a change of zone from H-4 to I-1 was submitted by Jake Von Busch for the remaining H-4 in this area. The Planning Commission held a public hearing on this application on **January 11, 2002**. The public hearing was continued until March 6, 2002 to allow time for Robert Stephens, the adjacent property owner to the west, to submit an application to re-zone the remainder of the H-4 to I-1. The March 6, 2002 public hearing was continued to allow time for Mr. Stephens to modify his application in the manner described in this report.

CZ#3155 - Approved a change of zone in **December, 1998** from B-2 to H-4 for all land within the area currently zoned H-4, except Lot B. This action also re-zoned two adjacent parcels west of 6th Street from B-2 to B-1 and R-2. The Planning Director initiated this change of zone in response to CZ#3137.

CZ#3137 - Approved a change of zone from B-2 to H-4 in **December, 1998** for Lot B. The applicant was Jake Von Busch, and it was originally submitted as a change of zone from B-2 to I-1 to accommodate his garbage collection service. During the review, it was determined his business was classified as a truck terminal, a use allowed in the H-4 district, so the application was amended to re-zone from B-2 to H-4 instead of to I-1. CZ#3155 was initiated by the Planning Director to re-zone the remaining B-2 not included in CZ#3137 as it was less than the minimum five acres in area.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map designates this land as Commercial.

UTILITIES: Available

TOPOGRAPHY: The entire area is within the 100 year flood plain. The property is generally flat, although the area north of West B Street slopes down to the north where the old Salt Creek Channel used to be.

PUBLIC SERVICE: City of Lincoln fire and police.

REGIONAL ISSUES: Development in the flood plain.

ENVIRONMENTAL CONCERNS: Development in the flood plain and potential impact of more intensive land uses upon wetlands to the east of the site.

ALTERNATIVE USES: Commercial uses within H-4 zoning.

ANALYSIS:

1. This application has been revised to include the re-zoning of two lots (Lots 7, Block 5 and Lot 13, Block 6) adjacent to Southwest 6th Street from H-4 to R-2. This revision to the application was made to provide a buffer between the proposed I-1 on the east side of Southwest 6th Street, and the existing R-2 to the west.
2. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 - A. Safety from fire, flood and other dangers;
 - B. Promotion of the public health, safety, and general welfare;
 - C. Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;
 - D. Conservation of property values; and
 - E. Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.

There are seven specific criteria established in the Plan for review including;

A. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.

The site can be served by municipal utilities, and is adjacent to public streets. Adequate infrastructure exists to support the allowed uses in both H-4 and I-1.

B. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.

This site is entirely within the 100-year floodplain, and there are wetlands (Salt Creek channel) east of the site. The higher intensity land uses allowed in I-1 pose potential increased risk to the nearby wetlands, and care must be exercised to ensure all development occurs in a manner that considers these surrounding lands.

Previously, staff had concern over a change of zone that allowed I-1 adjacent to R-2, however the revised application provides a strip of R-2 to act as a buffer between the residences to the west and the subject property.

C. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.

The Health Department reviewed this application, and seeing no significant threat to public health does not oppose it.

D. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.

There does not appear to be any significant direct impact associated with this request.

E. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.

This request is adjacent to, and has access to both West A and Southwest 6th Streets.

F. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.

Adequate open space exists.

G. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.

There appears to be no significant fiscal impact.

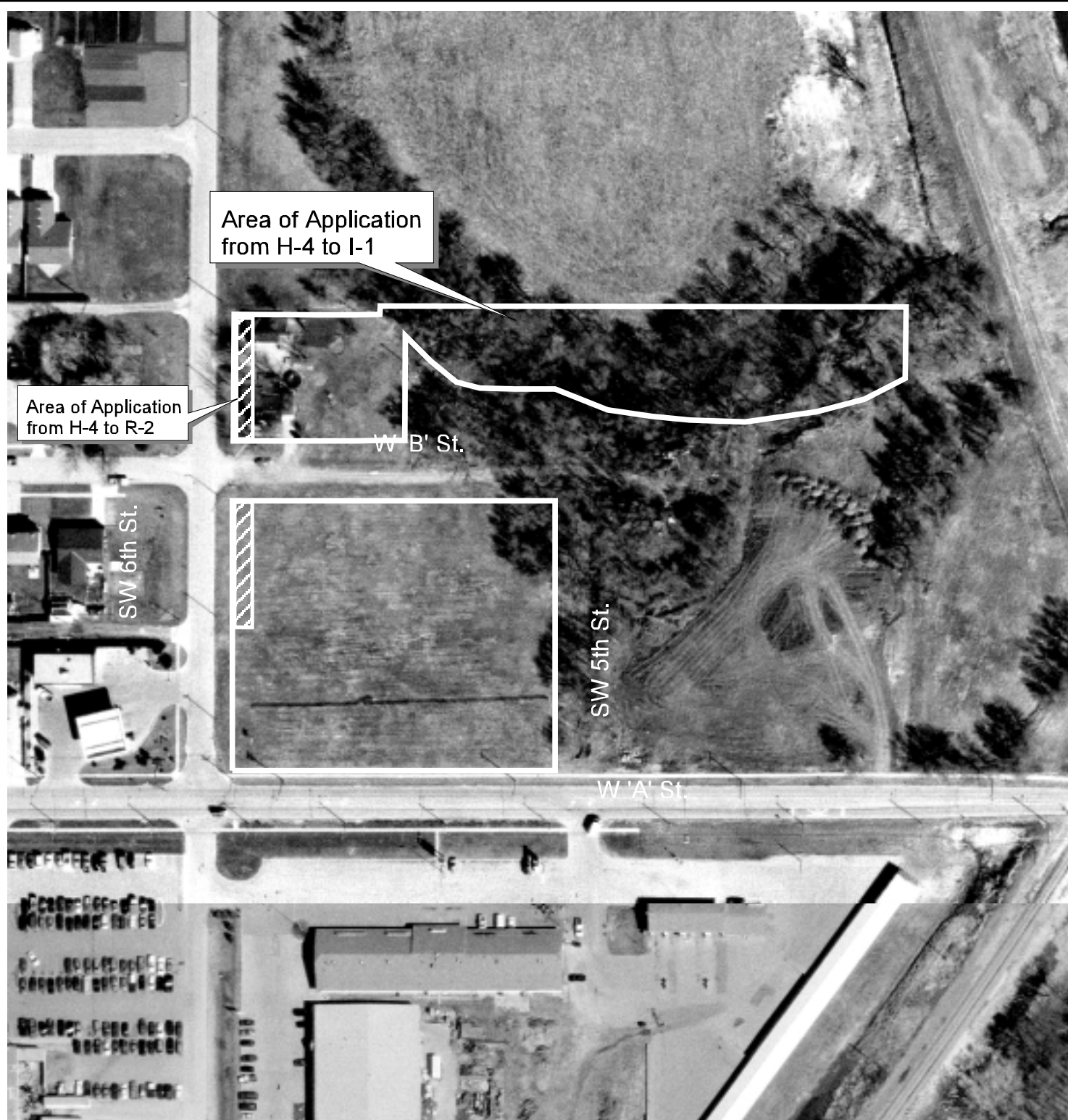
3. It was noted in the review of CZ#3351 that if approved, an H-4 district less than the minimum five acres required by the Zoning Ordinance would be created. The Planning Commission suggested that the adjacent H-4 property owners investigate joining with Mr. Von Busch to re-zone the entire H-4 district to I-1 to avoid creating a non-standard H-4 parcel. Consequently, Mr. Stephens submitted this request to be considered in conjunction with CZ#3351, and these applications need to be considered together.
4. This application has been revised to provide a strip of R-2 to act as a buffer between the proposed I-1 to the east and the existing R-2 west of Southwest 6th Street. Done in this manner, the minimum setback for the I-1 from Southwest 6th Street will be between 25' to 40' (depending on the size of the I-1 parcel developed) and will maintain a minimum separation of between 155' to 170' (again, depending

upon the size of the I-1 parcel developed) from the nearest residence to the west. The minimum setback scenario on Southwest 6th Street will match the setback required by the residential uses on the west side of the street. This is consistent with the essentially identical alternative suggested by staff, and addresses the concern over I-2 adjacent to R-2 by providing a buffer between them.

5. While this revised application is not consistent with the commercial designation on the Land Use Map of the Comprehensive Plan, it does comply with the criteria from the Plan for reviewing change of zone requests. It should be noted that part of the rationale for the original B-2 zoning on this property was to address the need for additional commercial development in this part of the city. Since then, a B-2 zoned commercial center has been developed at the intersection of West A Street and South Coddington Avenue and diminishes the need for commercial zoning at this location. **As a result, the finding is that this request complies with the Comprehensive Plan provided this application and CZ#3351 are both approved.**

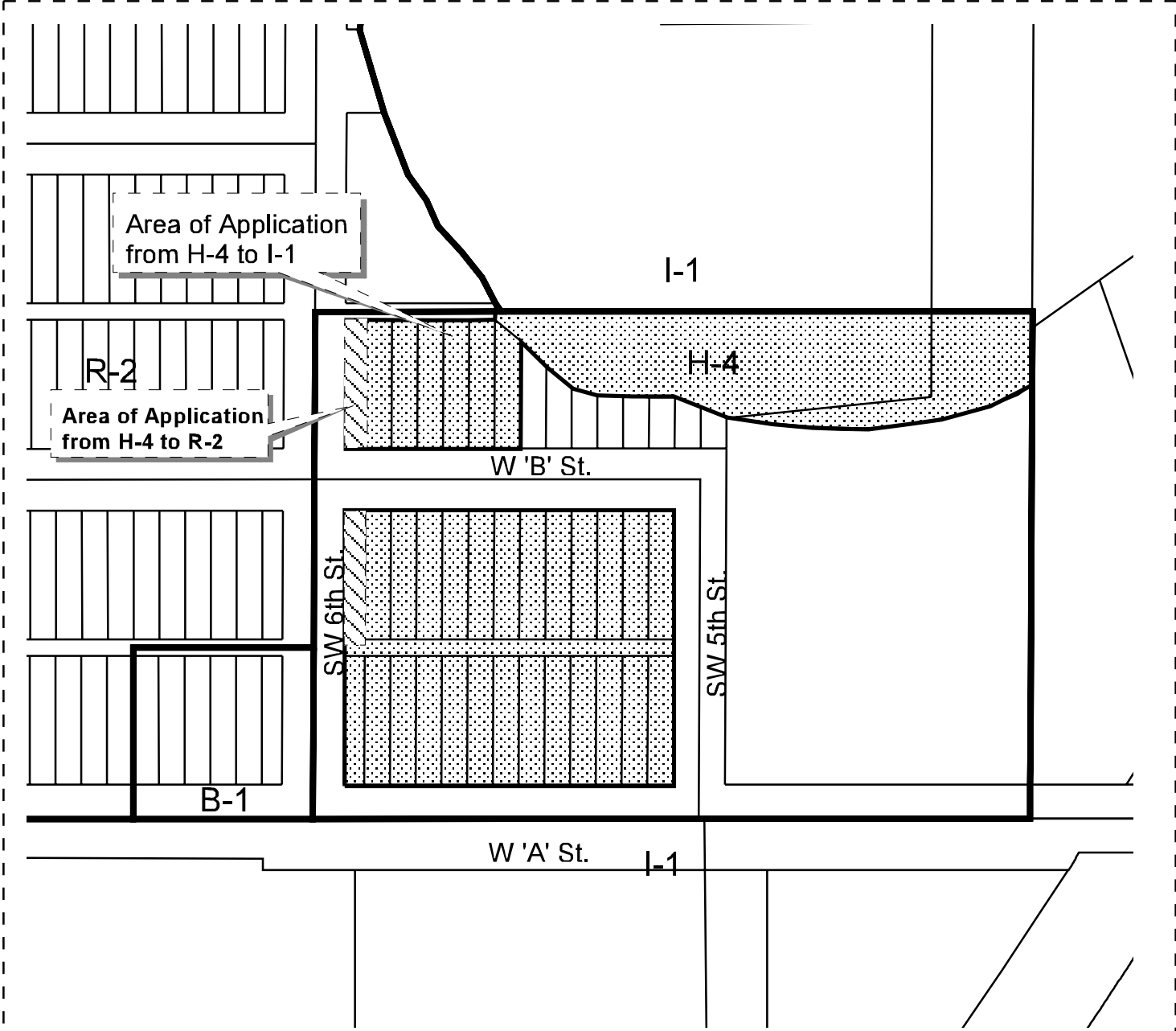
Prepared by:

Brian Will, AICP
Planner



Change of Zone #3358
SW 6th & W 'A' St.



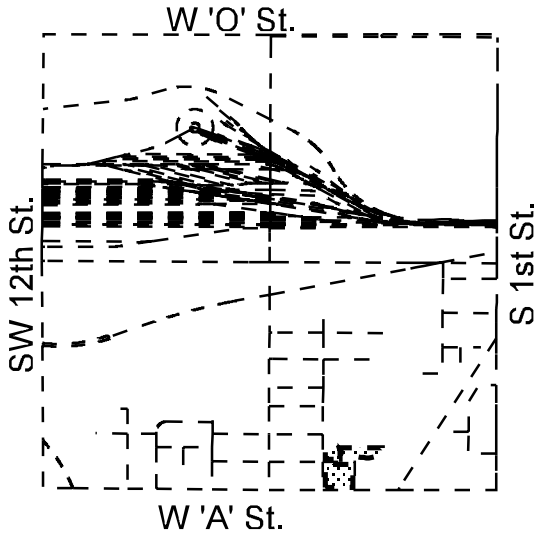
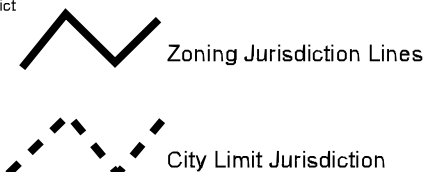


Change of Zone #3358 **SW 6th & W 'A' St.**

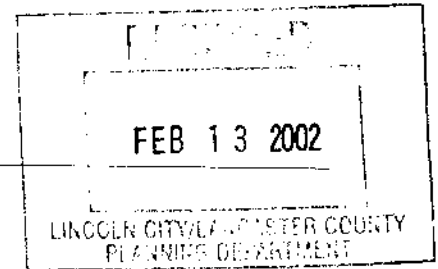
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
 Sec. 27 T10N R6E



M e m o r a n d u m



To: Brian Will, Planning

From: *[Signature]* Dennis Bartels, Engineering Services

Subject: Change of Zone 3358, Southwest 6th and A Street

Date: February 13, 2002

cc: Roger Figard
Nicole Fleck-Tooze
Randy Hoskins

Engineering Services has reviewed the proposed change of zone #3358 to change the zone of the property H4 to I1 located west of Southwest 6th north of West 'A' and finds it satisfactory. It is noted that the existing street system in West 'A' and Southwest 6th is "substandard" in regard to design standards for industrial zoning or the existing H4 zoning. Paving does not exist on West 'B' or Southwest 5th in the area of the rezoning.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Brian Will

DATE: 2/25/2002

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Bruce Dart, Director
EH File
EH Administration

SUBJECT: CZ #3358

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the proposed change of zone, #3358 for negative public health impacts. The following is noted:

- While the LLCHD does not advocate or endorse industrial zoning adjacent to residential zoning, the LLCHD does not view the requested change of zone from H-4 to I-1 as a serious threat to public health.

If you have any questions, please contact me at 441-6272.